



**IN THE GENERAL SESSIONS CRIMINAL COURT
SHELBY COUNTY, TENNESSEE
CHRIS TURNER, CLERK**

DIVISION _____

STATE OF TENNESSEE

VS.

DOCKET _____

CHARGE(S) _____

R & I # _____

**PETITION FOR ACCEPTANCE OF
PLEA OF GUILTY BY DEFENDANT AND WAIVER OF RIGHTS**

Comes now the defendant _____, who with the advice of counsel

_____, Attorney at law, enters a plea of guilty to the charge (s) of

_____,
Defendant states that he (she) has been advised by his (her) attorney of the following rights which the defendant fully understands that he (she) is giving up by this guilty plea:

1. The right to plead not guilty;
2. The right to a jury trial;
3. The right to confront and cross-examine the witnesses against him (her);
4. The right not to be compelled to incriminate himself (herself).
5. The right to indictment.

Defendant further states that he (she) fully understands and waives each and every one of these rights freely and voluntarily.

Further, defendant states that he (she) has been fully advised by his (her) attorney and fully understands:

1. The nature of the charge(s) against him(her);
2. The possible defenses to said charges(s);
3. The minimum punishment for said charge(s);
4. The maximum punishment for said charge(s);
5. That prior convictions may be considered in determining his (her) sentence;
6. The fact that no trial will follow this plea but only sentencing;
7. The fact that it is perjury to falsely answer questions by the Judge while under oath;
8. The fact that there must be facts to support the plea;
9. The fact that this conviction will be used in the future to increase the punishment for subsequent offenses;
10. The penalty for second and subsequent convictions for the offense of Driving While Intoxicated are that for conviction on the second offense that shall be imposed a fine of not less than \$600 nor more than \$3,500 and the person shall be confined in the county jail or workhouse for not less than 45 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of 2 years. For the third or subsequent conviction there shall be a fine of not less than \$1,100.00 nor more than \$10,000.00 and the person shall be confined in the county jail or workhouse for not less than 120 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of not less than 3 years nor more than 10 years.

Further, defendant states that he (she) is guilty of the charge(s) because the facts which he (she) knows to exist equal the elements of the charge(s) as those elements have been explained to him (her) by his (her) attorney. Defendant therefore, states that there is a factual basis for his (her) plea, or defendant denies his (her) guilt, but wished to enter a plea of guilty, understanding that should defendant elect to go to trial under guilty, and may receive a greater punishment than is provided herein.

Alford vs. No. Car.

Further, defendant states that he (she) is pleading guilty freely and voluntarily because he (she) is guilty not because of any negotiations which may have taken place between defendant's attorney and any representative of the State of Tennessee in the form of plea bargaining or any other form.

SUBMITTED, APPROVED AND CONCURRED IN:

ATTORNEY FOR DEFENDANT

DEFENDANT

B.P.R. NUMBER _____

ATTORNEY FOR STATE _____

ORDER ACCEPTING PLEA OF GUILTY

After reviewing the petition set out above, the Court did then interrogate the defendant personally as to the following matters:

1. The nature of the charge(s) against defendant;

- 2. The possible defenses to said charge(s);
- 3. The minimum punishment for said charge(s);
- 4. The maximum punishment for said charge(s);
- 5. Prior convictions may be considered in determining his (her) sentence;
- 6. The fact that no trial will follow this plea but only sentence;
- 7. The fact that it is perjury for the defendant while under oath to answer the court's question falsely;
- 8. The fact that there must be facts to support the plea;
- 9. Any plea negotiations which may have taken place;
- 10. The fact that this conviction will be sued to increase the punishment for subsequent offenses;
- 11. The penalty for second and subsequent convictions for the offense of Driving While Intoxicated are that for conviction on the second offense there shall be imposed a fine of not less than \$600 nor more than \$3,500 and the person shall be confined in the county jail or workhouse for not less than 45 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of 2 years. For the third or subsequent conviction there shall be imposed a fine of not less than \$1,100.00 nor more that \$10,000.00 and the person shall be in the county jail or workhouse for not less than 120 days nor more than 11 months and 29 days, and the court shall prohibit such convicted person from driving a vehicle in the State of Tennessee for a period of not less than 3 years nor more than 10 years.

Further, the Court did interrogate the defendant personally as to the intelligent and voluntary waiver of the following rights.

- 1. The right to plead not guilty;
- 2. The right to jury trial;
- 3. The right to confront and cross-examine the witnesses against him (her);
- 4. The right not to be compelled to incriminate himself (her);
- 5. The right to indictment.

Based upon this personal interrogation the Court concludes that the defendant understands the nature of the charge(s) against him (her) and the right which he (she) is giving up by this guilty plea.

Therefore, the Court concludes that there is a factual basis defendant's or the defendant's plea of guilty and defendant's plea is being entered freely, knowledgeably and voluntarily after freely, knowledgeably and voluntarily waiving the above set out rights.

Finally, the Court accepts the defendant's plea of guilty.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, than the defendant's plea of guilty heretofore entered and is hereby accepted by the Court.

This _____ day of _____ yr _____

JUDGE

Div. _____ General Sessions Court of Shelby